

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Joint Application of San Diego Gas and Electric Company and Southern California Gas Company (E-3921) for: Adoption of their Residential Electric and Gas Line Extension Allowance Methodologies and its Monthly Ownership Charge Methodology.	Application 05-09-019 (Filed September 14, 2005)
Application of Pacific Gas and Electric Company in Response to Resolution E-3921, Proposing Revisions to Line Extension Allowance and Related Matters. (U 39 M)	Application 05-10-016 (Filed October 13, 2005)
Application of Southern California Edison Company (U 338-E) Regarding Residential Line and Service Extension Allowances.	Application 05-10-019 (Filed October 14, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING  
FINDING THE UTILITY REFORM NETWORK ELIGIBLE  
TO CLAIM INTERVENOR COMPENSATION**

**I. Summary**

This ruling addresses the notice of intent (NOI) to claim compensation filed by The Utility Reform Network (TURN). As discussed herein, TURN has met the relevant requirements, including significant financial hardship, and is eligible to claim compensation in this proceeding.

## **II. NOI Requirements**

### **A. Timely Filing**

Pursuant to Section 1804(a)(1), a customer who intends to seek a compensation award shall, within 30 days after the prehearing conference (PHC), file and serve a NOI to claim compensation on all parties to the proceeding. The first PHC in this proceeding was held on February 7, 2006. A second PHC was held on March 23, 2006. At the second PHC, I authorized parties to file their NOIs 30 days after the second PHC. TURN's NOI, filed on April 24, 2006, was timely filed.

### **B. Customer Status**

Section 1804(a)(2) sets forth those items that must be addressed in an NOI. Section 1802(b)(1) defines a customer as:

“(A) A participant representing consumers, customers, or subscribers of any electrical, gas, telephone, telegraph, or water corporation that is subject to the jurisdiction of the commission.

“(B) A representative authorized by a customer.

“(C) A representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers, or to represent small commercial customers who receive bundled electric service from an electric corporation.”

Pursuant to Decision (D.) 98-04-059, this ruling must determine whether the intervenor is a customer.<sup>1</sup> TURN meets the third definition of

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<sup>1</sup> If the customer category identified is “a representative authorized by a customer,” the NOI should identify “the residential customer or customers that authorized him to represent that customer.” That identification is needed because this category of

*Footnote continued on next page*

customer because it is authorized by its articles of incorporation to represent the interests of consumers, a portion of whom we have determined to be residential customers.<sup>2</sup>

Only those customers for whom participation or intervention would impose a significant financial hardship may receive intervenor compensation. Section 1804(a)(2)(B) allows the customer to include a showing of significant financial hardship in the NOI, or in the request for an award of compensation. Section 1802(g) defines significant financial hardship as:

“Significant financial hardship” means either that the customer cannot afford without undue hardship, to pay the costs of effective participation, including advocate’s fees, expert witness fees, and other reasonable costs of participation, or that, in the case of a group or organization, the economic interest of the individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding.

The majority of TURN’s members are small residential customers whose individual economic interests in this proceeding are small relative to the costs of participation. A minority of TURN’s members are small business customers whose individual economic interests in this proceeding are small

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customer “connotes a more formal arrangement where a customer, or a group of customers, selects a presumably more skilled person to represent the customers’ views in a proceeding.” (D.98-04-059, pp. 28-30.)

<sup>2</sup> TURN provided the relevant portions of its articles of incorporation in its notice of intent in Application (A.) 98-02-017, and A.99-12-024. TURN has approximately 25,000 dues paying members, the majority of which are residential ratepayers. TURN does not poll its members to determine whether they are residents or small businesses, so no percentage split is available.

relative to the costs of participation. In addition, TURN previously met the significant financial hardship condition in another proceeding that commenced within one year of this proceeding, thereby creating a rebuttable presumption of eligibility.<sup>3</sup> Should any party rebut this presumption, TURN is granted leave to furnish evidence of its significant financial hardship within 10 days of the rebuttal filing.

### **C. Nature and Extent of Planned Participation**

Section 1804(a)(2)(A)(i) requires an NOI to include a statement of the nature and extent of the customer's planned participation in the proceeding to the extent this can be predicted. TURN expects to conduct discovery, prepare testimony, cross-examine witnesses, and file briefs and comments, addressing the issues specified in the Assigned Commissioner's ruling and scoping memo dated April 4, 2006.

### **D. Itemized Estimate of Compensation**

Section 1804(a)(2)(A)(ii) requires that NOIs include an itemized estimate of the compensation the customer expects to receive.

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<sup>3</sup> See Administrative Law Judge Ruling dated November 4, 2005 in A.05-02-027.

TURN's estimated budget for this case is \$64,850 broken down as follows:<sup>4</sup>

<b>Amount</b>	<b>Description</b>
\$22,800	120 hours of attorney time by Nina Suetake at \$190/hour
\$15,800	40 hours of attorney time by Robert Finkelstein at \$395/hour
\$23,250	150 hours of consultant time at \$155/hour
\$3,000	Direct expenses
\$64,850	Total

When TURN files its request for compensation, it must fully support its request, including the reasonableness of the hours spent and hourly rates.

**IT IS RULED** that:

1. The Utility Reform Network is a customer as that term is defined in Section 1802(b)(1)(C), has met the eligibility requirements of Section 1804(a), including the requirement that it establish significant financial hardship, and is eligible to apply for compensation in this proceeding.

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<sup>4</sup> In its NOI, TURN incorrectly showed the total estimated expenses as \$65,000.

2. This ruling does not assure that any intervenor compensation will be awarded.

Dated May 12, 2006, at San Francisco, California.

/s/ JEFFREY P. O'DONNELL  
Jeffrey P. O'Donnell  
Administrative Law Judge

## **CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Finding The Utility Reform Network Eligible to Claim Intervenor Compensation on all parties of record in this proceeding or their attorneys of record.

Dated May 12, 2006, at San Francisco, California.

/s/ ELVIRA NIZ

Elvira Niz

## **N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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